

**ADA Complementary Paratransit Service
Policies & Procedures**

Midland-Odessa Urban Transit District

August 2003

ADA Complementary Paratransit Service Policies & Procedures

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ADA Complementary Paratransit Service Policies & Procedures

I. General

A. Goal

It is the goal of Midland-Odessa Urban Transit District (MOUSD), through its ADA complementary paratransit service, to design, implement and maintain an efficient and effective transportation system for persons with disabilities who are "ADA paratransit eligible."

B. Policy

It is the policy of MOUSD that no otherwise qualified person shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity undertaken by MOUSD that receives or benefits from federal financial assistance.

C. Purpose

The ADA complementary paratransit service was developed to provide safe and efficient transportation within the Midland-Odessa area to persons with disabilities who are "ADA paratransit eligible."

D. Objectives

The specific objectives of the ADA complementary paratransit service are:

1. To provide demand-response, curb-to-curb transportation on specially equipped vehicles designed to accommodate persons with disabilities.
2. To maintain a trained staff for the operation and control of the service.
3. To provide on-going mechanisms for persons with disabilities to provide input on ADA complementary paratransit service, policies and procedures.
4. To provide all public information tools on MOUSD services in accessible formats.

II. Operations

A. General

ADA complementary paratransit service is provided in accordance with the six service criteria established by the Federal Transit Administration for ADA paratransit operations including days and hours of service, service area, response time, fares, trip purposes and capacity constraints.

B. Days and Hours of Service

The ADA complementary paratransit service shall operate from 6:15 a.m. to 6:15 p.m. Monday through Saturday. No Sunday service is provided.

Service is not offered on the following holidays:

New Year's Day	Independence Day	Thanksgiving Day
Memorial Day	Labor Day	Christmas Day

C. Service Area

ADA complementary paratransit service shall be provided within the city limits of both Midland and Odessa. (see Exhibits A & B).

D. Response Time

ADA complementary paratransit service shall offer curb-to-curb, demand response transportation service to certified passengers. Two types of service will be available, subscription and reservation.

Subscription service will be offered for any trip that occurs every week, originates and terminates at the same scheduled location, at the same hour each day. Requests for subscription service must be made at least one day prior to the first trip, and may be made up to 14 days in advance. The number of subscription service trips accepted shall not exceed 50% of the total trips scheduled by all passengers.

Reservation service shall be available for any trip. Requests for reservation service must be made at least one day prior to the desired trip time, and may be made up to 14 days in advance.

Requests for service for the next operating day shall be accepted from 8 a.m. to 4 p.m., Sunday through Friday. All return trips must be scheduled regardless of whether the passenger knows the exact return time or not. Passengers should estimate the return time, and call the office as soon as possible if they will not be ready at the scheduled time.

To the extent feasible, trips will be scheduled within one hour of the requested pick-up time. The trip shall be scheduled so as to arrive at the pick-up location within a 15-minute time frame. For instance, if a passenger needs to be at a medical appointment at 2 p.m. and the estimated drive time is 20 minutes, the passenger may be told to expect the driver between 1:25-1:40 p.m.

E. Fares

The sum of \$2.00 per one-way trip shall be charged all certified passengers. Payment of the \$2.00 must be in cash and in the exact amount, as drivers carry no change. Fares shall be paid at the time of boarding.

Personal care attendants ride free with passengers who require assistance while boarding, riding, or alighting from a vehicle. Passengers must state the need for a personal care attendant on the ADA paratransit eligibility certification application.

Passengers are guaranteed a seat for at least one accompanying guest. Additional guests will be scheduled on a space-available basis. Guests pay a fare of \$2.00 per one-way trip.

Tickets are available for purchase at a cost of \$10.00 for 10 one-way tickets. Two tickets are charged for each one-way trip. Tickets can be purchased at the MOUTD office or via mail. No reimbursement will be made for unused tickets.

Agencies scheduling rides for their clients on the ADA complementary paratransit service may be charged a different, negotiated per trip fee. Normally these fees are billed to the agency on a monthly basis. Such fare payment arrangements shall be documented on the bus operator's daily trip log.

F. Trip Purpose

Trips for any purpose will be accommodated and will not be prioritized by trip purpose. Passengers will not be asked to provide information regarding their trip purpose.

G. Capacity Constraint Monitoring

MOUTD will not constrain capacity by restricting the number of trips an individual will be provided; by maintaining waiting lists for access to the service; or by providing a service which has a substantial number of significantly untimely pick-ups for initial or return trips, trip denials, missed trips, or trips with excessive trip lengths.

Performance data will be collected and reported for the purpose of establishing whether capacity constraints exist. The MOUTD Board of Directors has established the following performance criteria for the purpose of making such a determination.

Missed Trips - 99% of all trips scheduled will be provided as scheduled

Late Pick-Ups - 90% of all pick-ups will be on time (within or no more than five minutes past the 15 minute scheduling window)

Late Drop-Offs - 90% of all drop-offs will be on time (at the time of the passenger's appointment or at the scheduled time of drop-off)

Denials - No more than 2% of requests will be denied

Ride Time - 99% of ride times will be one hour or less

H. Complimentary Passes

Whenever MOUTD, or its service contractor, makes an error that greatly inconveniences a passenger, a complimentary pass, good for one free ride, may be issued to the passenger. Circumstances that may warrant the issuance of a complimentary pass include:

- vehicle arrival more than 10 minutes beyond the 15-minute scheduling window;
- passenger was inadvertently left off the schedule;
- passenger was stranded on a broken vehicle; or
- other incidents as approved by the MOUTD general manager.

I. Inclement Weather

In the unlikely event of service cancellation due to inclement weather, MOUTD personnel shall attempt to contact all scheduled passengers at the telephone numbers listed on the ADA Complementary Paratransit Service Eligibility Application.

J. Lost and Found

Neither MOUTD nor its service contractor will be responsible for items left on vehicles. However, if found, the item(s) will be held for 30 days. If the item is not claimed within 30 days, it may be donated to a local charitable organization.

Passengers attempting to locate lost items should call the MOUTD office. If the passenger's item has been located, every effort will be made to return the item to the passenger on his/her next scheduled trip.

III. Eligibility and Certification Procedures

A. General Eligibility

To receive ADA complementary paratransit service, individuals must be certified "ADA paratransit eligible." The Americans With Disabilities Act of 1990 defines "ADA paratransit eligible" as:

1. Any person with a disability who can use an accessible vehicle, but for whom any desired trip cannot be made because the fixed-route service he/she needs to use is not yet accessible. This category includes those persons who use wheelchairs, walkers or braces and others whose disabilities prevent them from utilizing an inaccessible vehicle or facility.
2. Persons, who because of the nature of their disabilities, cannot navigate even a transit system that is otherwise accessible. This category includes persons who because of their disability cannot independently board, ride or disembark from an accessible vehicle. This is based on the assumption the individual will not and need not be able to operate a boarding system such as a wheelchair lift, ramp or securement device. The presence of a traveling companion does not affect this eligibility.
3. Persons with impairment-related conditions that prevent them from getting to or from a boarding or disembarking location. This relates to an individual's particular functional disability. This eligibility requires functional evaluation of its application to a particular system and a particular trip. Examples of eligibility under this category include severe, chronic fatigue related to HIV infection and AIDS, heat sensitivity due to cardiovascular disease and hypothermia due to quadriplegia.

Generally the following four tests are applied when determining an applicant's eligibility:

1. Does the individual's disability prevent him/her from getting to and from a bus stop at the point of origin or destination?
2. Can the individual board, utilize and disembark the vehicle at the bus stop?
3. Can the individual recognize the destination and disembark the bus?
4. If the passenger's trip requires transfers, are the paths of travel between routes accessible and navigable by the individual?

B. Trip-By-Trip Eligibility

While there are some passengers who are eligible to ride ADA complementary paratransit service for all their transportation needs, most passengers are certified for service on a trip-by-trip basis. In other words, passengers who may normally be able to ride MOUTD fixed-route service may be eligible for certain trips on the curb-to-curb service. Examples include:

1. An impairment-related condition that makes the person severely sensitive to cold or hot temperatures.
2. A person unable to maneuver a wheelchair through snow.
3. An individual with cognitive disabilities who must use a route other than the one he/she has learned or been trained to ride.
4. An individual who must travel an alternate route due to circumstances, where this alternate route is inaccessible to persons with disabilities.

C. Eligibility for Visitors and Out-of-Area Residents

Visitors to the Midland-Odessa area who have been certified by another transit provider are automatically presumed eligible for MOUTD ADA complementary paratransit service for up to 21 days. Should the visitor need service beyond the 21-day period, he/she is required to become certified for MOUTD service through the normal certification process.

The location of an applicant's residence is not a factor in determining eligibility. Persons living outside the service area can be certified for the ADA complementary paratransit service. However, only trips with both an origin and destination inside the service area will be provided.

D. Application Process

The applicant shall return the completed ADA Paratransit Application to the MOUTD office. To be considered complete, all of the information requested on the application must be entered and the application must be signed by the applicant. In addition, the Professional Verification Form must be completed and signed by a qualified licensed professional.

MOUTD staff will attempt to make a determination from the information included in the ADA Paratransit Application. Should the staff be unable to make a determination based upon the information provided, they may request clarification from the applicant or the professional who completed the Professional Verification Form.

If a determination still cannot be made, MOUTD may require applicants to submit to a functional assessment to determine if they can use the regular fixed-route bus service. MOUTD will pay the cost of the functional assessment as well as provide transportation to and from the appointment.

MOUTD staff will normally make a determination regarding eligibility within 21 days of receipt of a completed ADA Paratransit Application. Should the staff fail to make such a determination within the 21-day period, the applicant will be "presumed eligible" until such time a determination has been made.

When applications are approved, applicants will be notified by mail they have been certified to use ADA complementary paratransit service for three years, if they are permanently disabled, or for a shorter, specified time if their disability is temporary. Certified passengers may begin using service immediately following notification.

When applicants are deemed eligible for ADA complementary paratransit service, they will be asked to complete the certification process by scheduling an appointment to obtain a photo identification card within 30 days.

At any time during a passenger's three-year certification, MOUTD staff may require the certified passenger to submit a new ADA Paratransit Application if there is sufficient cause to believe the passenger's condition has changed making the person no longer "ADA paratransit eligible."

Applicants who are deemed ineligible for ADA complementary paratransit may appeal by following the procedure established in Section VIII, Appeal Procedures. Applicants denied service may reapply for the service at any time.

All passenger information will be kept confidential by the MOUTD staff unless a release is required by law or court order.

IV. Passenger Responsibilities

A. General Passenger Condition

All passengers must be able to sit in a bus seat or wheelchair in order to be transported.

Any passenger whose medical condition is such that the passenger is incoherent or requires immediate medical attention to sustain life may be denied service. ADA complementary paratransit service is to be considered a "common carrier" and does not perform ambulance or emergency service.

If the driver reasonably believes a passenger's physical condition or conduct is hazardous, or if a passenger possesses weapons, instruments or equipment that are reasonably

believed to be dangerous, service may be terminated immediately. The passenger will be notified of his/her right to appeal the termination and the ADA Appeals Board will hear the appeal as soon as reasonably possible.

All passengers must be attired appropriately so that all private areas are adequately covered. Any passenger attempting passage without such appropriate attire may be refused service and that trip recorded as a "no show" or cancellation.

Passengers, guests and any accompanying animal or package shall be free from odors that other passengers may reasonably find offensive.

B. Requesting Service

A request for service must be made at least one day or up to 14 days prior to the desired trip time. In order to schedule a trip, one must speak (either in person or via telephone messaging) with MOUTD staff who will require the following in scheduling a trip:

1. Name
2. Phone Number
3. Pick-Up Address
4. Destination Address
5. Desired Pick-Up Time
6. Desired Drop-Off Time (Appointment Time)
7. Number of Passengers
8. If Round Trip, Approximate Time of Return Trip

Passengers can schedule service by calling MOUTD at XXX-XXXX or XXX-XXXX (TTY) from 8 a.m. to 4:00 p.m. Sunday through Friday. On Sundays or holidays, passengers must leave a voice or text message.

C. Riding ADA Complementary Paratransit Service

ADA complementary paratransit passengers shall be ready no later than the designated pick-up time. However, due to variations in timepieces, it is recommended that passengers be ready five minutes before their pick-up time when possible.

When drivers arrive at the pick-up location, they are not required to wait more than five minutes past the time of arrival, unless they arrive early. In the event the drivers arrive early, they will not leave the pick-up location until five minutes past the designated pick-up time.

Service may not be rendered if the vehicle cannot access the origin or destination location, or if the location does not provide safe passage for the vehicle or safe access to

the vehicle by the passenger. The driver shall immediately call the dispatcher for further instructions in such case.

Drivers are not permitted to enter a passenger's home under any circumstance.

Drivers are not permitted to maneuver a wheelchair up or down more than one step. This rule is provided for the safety of the passenger and the driver.

Drivers are not permitted to lift passengers.

Passengers must pay their fares upon boarding the bus. Failure to do so may result in no service for that trip and the recording of a "no show" or cancellation (see Section IV, E, "No Shows" and Cancellations).

ADA complementary paratransit service passengers may be required to wear seat belts. A physician's statement of a passenger's physical inability to wear a seat belt may waive this requirement.

Profanity or abusive conduct shall not be permitted and may result in suspension or termination of service.

Eating or smoking is not allowed on MOUTD or contractor vehicles. Drinking is permissible only from a container with a snap-on lid.

D. Transportation of Children

The minimum age for a child to travel alone aboard ADA complementary paratransit service vehicles is six years of age. Children under the age of six must have an adult accompany them during transport. Only the MOUTD general manager may grant exceptions.

E. "No Shows" and Cancellations

If riders are unable to keep the scheduled appointment time, they should notify MOUTD at least one hour prior to the scheduled pick-up time. Failure to do so may result in the recording of a "no show." A record of all "no shows" will be maintained at the MOUTD office.

MOUTD personnel shall notify passengers by mail when a "no show" has been recorded. Should the passenger choose to pay the fare for the service provided but not used by the passenger, the "no show" will be removed from his/her record. Otherwise, the "no show" will be maintained on the passenger's permanent record and counted toward the accumulation of similar infractions.

Three "no shows" within a one-year period for reasons other than those of a necessary or emergency nature, as determined by the MOUTD general manager, shall result in suspension of service for a period of 30 days. The passenger will be given an opportunity for a hearing prior to the suspension.

There is no penalty for next-day cancellations. However, five cancellations within a 30-day period for reasons other than those of a necessary or emergency nature, as determined by the MOUTD general manager, shall result in suspension of service for a period of 30 days. The passenger will be given an opportunity for a hearing prior to the suspension.

Passengers may appeal their suspensions or terminations by written notification as outlined in Section VIII, Appeal Procedures. Should the passenger waive his/her right to appeal, the termination or suspension of service will be imposed beginning 15 days from the date of notification.

F. Accommodation of Common Wheelchairs

MOUTD will accommodate common wheelchairs. Common wheelchairs are devices that do not exceed 32 inches in width and 48 inches in length measured two inches above the ground, and do not weigh more than 600 pounds when occupied.

Any passenger who utilizes a wheelchair device for mobility shall insure the brakes on the wheelchair are in working order before transportation can be provided. All passengers boarding the bus in wheelchairs will be required to board, ride and disembark the vehicle with the wheels of the chair in a locked position.

All wheelchairs and other mobility devices must be secured to the floor of the vehicle using the Q'Straint equipment. The drivers will make every effort not to damage wheelchairs or mobility devices with the Q'Straint straps and hooks.

G. Personal Care Attendants

MOUTD allows a personal care attendant to accompany a passenger at no additional charge when such an attendant is required to utilize the service. Such required assistance is established in the certification process. Reasons for a personal care attendant may include, but are not limited to, the following:

Immobility - The passenger is unable to provide self-mobility, or self-mobility is possible but a great risk of falling or physical injury exists.

Disorientation - The passenger, due to a visual or mental impairment, is unable to properly orient him/herself and navigate to reach a particular destination.

Non-Comprehension - The passenger, due to mental impairment, is unable to adequately perform those mental processes necessary to handle common occurrences or is unable to effectively control his/her own actions.

Communication Impairment - The passenger is unable to effectively transmit or receive communications due to sensory or mental problems.

Personal care attendants are required to specifically assist the passenger. This assistance includes, but is not limited to, the following duties:

- assisting the passenger from his/her door to the van and back again;
- opening doors;
- pushing wheelchairs;
- assisting with boarding;
- carrying packages; and
- communicating with driver (if passenger is unable).

If the personal care attendant does not perform some type of assistance for the passenger, that individual will be considered a guest and may be charged the \$2.00 fare.

H. Service Animals & Accommodation of Animals

Animals other than service animals as described below are allowed to ride only if they are in a secured pet travel carrier.

It is the policy of MOUTD to allow service animals to accompany their owner without restraint. Under the Americans with Disabilities Act of 1990, a service animal means a guide dog, signal dog, or other animal that is required to aid the owner and that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

The Americans with Disabilities Act of 1990 allows for the imposition of legitimate safety requirements that are necessary for the safe operation of ADA complementary paratransit service. MOUTD can generally require use of a secured pet travel carrier for any animal that is a health or safety hazard regardless of the kind of training it has received and what function it serves for its owner.

I. Carry-On Packages

Drivers will help passengers take lightweight items off the vehicle and set them on the curb. If additional assistance is required, a personal care attendant should assist passengers.

V. Public Involvement

A. Goal

MOU/D is committed to providing on-going mechanisms to involve the public in decisions regarding its services, policies and procedures.

B. Transit Advisory Committee

The MOU/D Board of Directors will create a Transit Advisory Committee for the purpose of receiving on-going input from MOU/D customers. Committee members will be appointed by the Board and will include persons with disabilities and representatives of public and private organizations serving the needs of the disabled community. The committee will meet at least quarterly.

C. Consumer Satisfaction Surveys

Consumer satisfaction survey forms will be mailed one time each year to all certified ADA complementary paratransit service passengers. These surveys will measure customer satisfaction with aspects of MOU/D services including prompt telephone answering, scheduler courtesy, ability to get requested pick-up time, timeliness of pick-ups and drop-offs, response time for return trip, amount of time traveling, courtesy of drivers, level of assistance by drivers, safety of service and general satisfaction with service. The results of these surveys will be compiled and reported to the Transit Advisory Committee and the MOU/D Board of Directors.

D. Public Hearings

Public hearings will be held on an as-needed basis to obtain input from persons with disabilities on such topics as proposed service changes, proposed fare increases, and other similar topics.

E. Focus Groups

Focus groups made up of persons with disabilities and representatives from agencies serving the needs of persons with disabilities will be held on an ad hoc basis to deal with specific service and policy issues that require in-depth discussion.

VI. Public Information Dissemination

A. Goal

MOU/D is committed to providing information about its services, policies and procedures to the public in accessible formats for persons with disabilities.

B. Accessible Formats

All public information materials including, but not limited to, the ADA complementary paratransit brochure, certification forms, periodic service and/or fare change announcements, consumer satisfaction surveys, and customer comment cards will be made available in accessible formats upon request.

Based upon input received from persons with disabilities, MOUTD will normally stock materials in large print. Braille and other formats requested will be provided within a reasonable period of time.

C. Media Promotions

When doing media promotions, MOUTD will make special efforts to utilize the Radio Reading Service, a specialized radio-programming format designed for persons with visual disabilities.

VII. ADA APPEALS BOARD

A. Goal

The ADA Appeals Board is committed to providing due process for any person with a disability who has been denied eligibility for ADA complementary paratransit service or who has been notified of a pending service termination or suspension.

B. Board Composition

The ADA Appeals Board will be made up of three individuals including a staff representative from MOUTD, a member of the Transit Advisory Committee, and an eligible ADA complementary paratransit service passenger.

The MOUTD Board of Directors will appoint members of the ADA Appeals Board for a period of two years.

C. Board Duties

The ADA Appeals Board will be responsible for meeting as needed to hear appeals filed by persons with disabilities who have been denied eligibility for ADA complementary paratransit service or who have been notified of a pending service termination or suspension.

The Board can render a decision based solely upon the information provided by the appellant and/or his/her representative or it can obtain any additional information needed

to render a decision from professionals who have knowledge pertinent to the appellant's specific condition or circumstances.

The Board will normally render a decision within 30 days from the date of the hearing.

VIII. Appeal Procedures

A. Goal

MOUSD has adopted the following appeal procedures as the mechanism for resolving complaints relative to the ADA complementary paratransit services, policies and procedures.

The following administrative procedure has been established to insure prompt and equitable resolution of appeals of any person with a disability that has been denied eligibility for ADA complementary paratransit service. The same appeal procedure will be used for appeals filed by persons who have been notified of a pending service termination or suspension.

B. Appeal Procedure

An applicant/passenger who wishes to appeal an eligibility determination, service suspension or termination must address an appeal, in writing, to the ADA Appeals Board. The appellant will be entitled to be heard in person and to have necessary support, such as a sign interpreter, or may choose to be represented by another person.

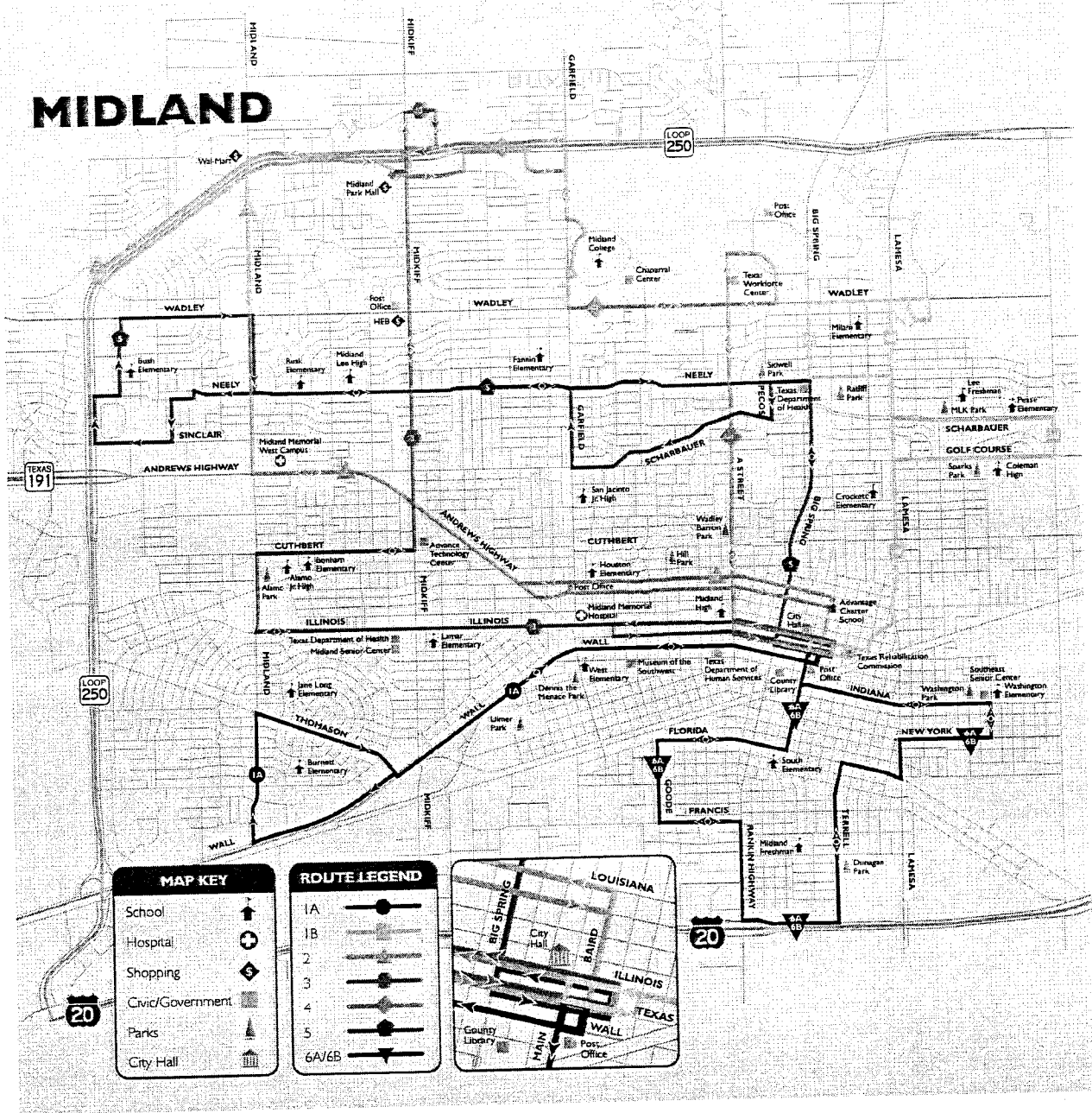
The appellant will be notified in writing of the Board's decision as soon as possible. It will normally take less than 30 days for the Board to render a decision from the date the appeal is filed.

For persons appealing ADA complementary paratransit service eligibility denials, no service will be provided during the period of time the appeal is being considered by the ADA Appeals Board. However, if an appeal has not been decided within 30 days from the date the appeal is received by the Board, presumptive eligibility will apply and ADA complementary paratransit service will be provided until such time as the Board renders a decision.

Persons appealing service terminations or suspensions will continue to be scheduled for ADA complementary paratransit service trips during the entire period of time the ADA Appeals Board is considering the appeal. The termination or suspension, if upheld, will not become effective until such time as the Board has rendered a final decision.

EXHIBIT A

Midland Bus System Map



MAP KEY	
School	↑
Hospital	+
Shopping	Ⓢ
Civic/Government	Ⓜ
Parks	Ⓜ
City Hall	Ⓜ

ROUTE LEGEND	
1A	—●—
1B	—●—
2	—●—
3	—●—
4	—●—
5	—●—
GA/6B	—●—

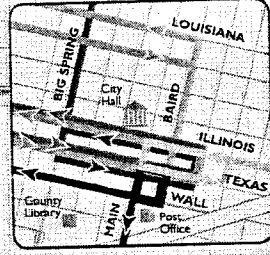
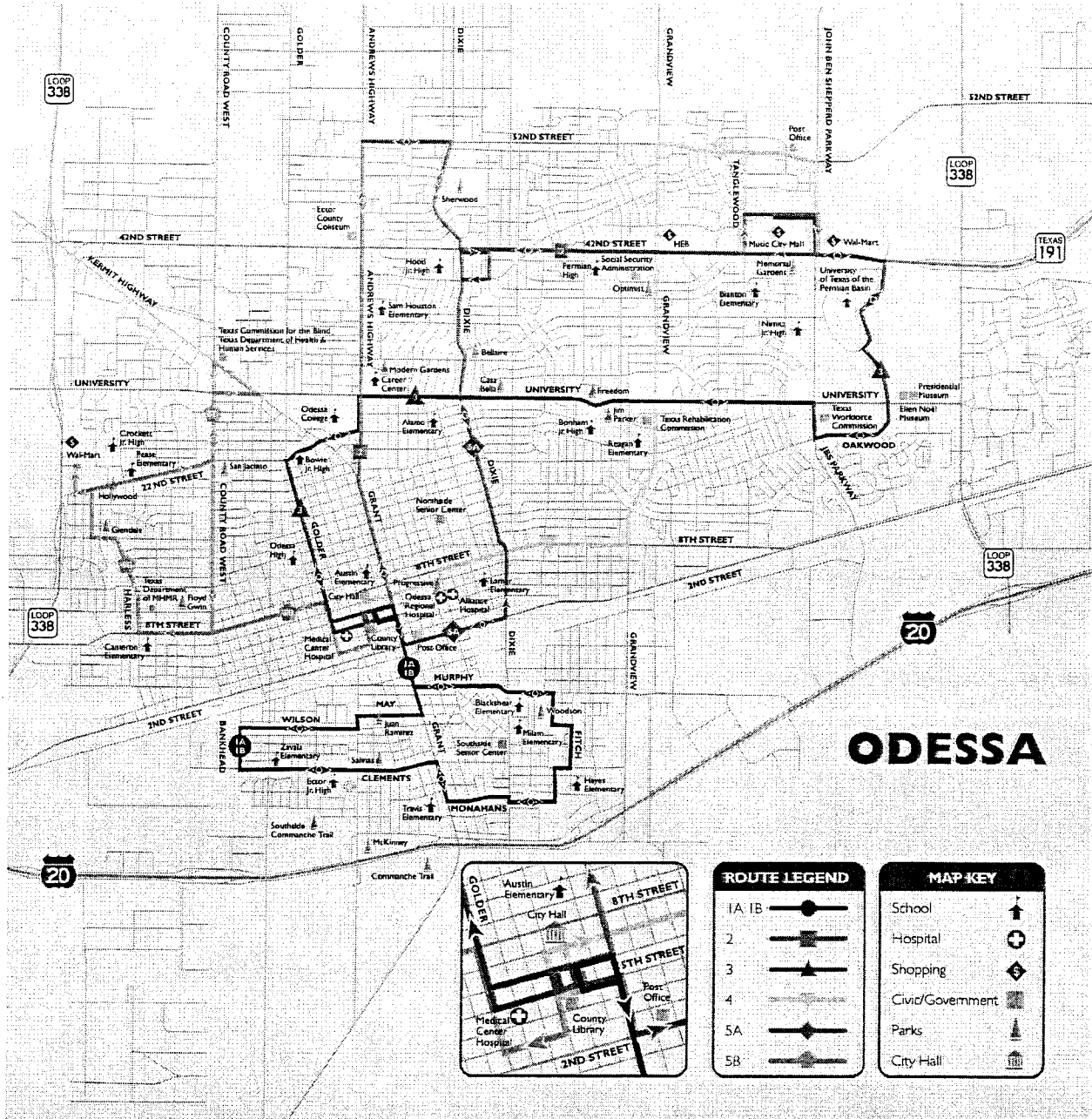


EXHIBIT B

Odessa Bus System Map



ODESSA

ROUTE LEGEND	
1A 1B	
2	
3	
4	
5A	
5B	

MAP KEY	
School	
Hospital	
Shopping	
Civic/Government	
Parks	
City Hall	

